

ARTICLE 7-09

MARKETING DIVISION

Chapter
7-09-01 Pride of Dakota Logo Promotion

CHAPTER 7-09-01 PRIDE OF DAKOTA LOGO PROMOTION

Section	
7-09-01-01	Purpose
7-09-01-02	Definitions
7-09-01-03	Eligibility for Use of Logo
7-09-01-04	Application
7-09-01-05	Fees
7-09-01-06	Authorization
7-09-01-07	Renewal of Authorization
7-09-01-08	Promotional Use of the Logo
7-09-01-09	Improper Use
7-09-01-10	Enforcement
7-09-01-11	No Warranty of Quality
7-09-01-12	Compliance with Other Law

7-09-01-01. Purpose. In keeping with the policy of the North Dakota department of agriculture and its marketing division to expand, improve, and develop markets for North Dakota products by promoting their use and sale and pursuant to house concurrent resolution and appropriation by the 1985 legislative assembly, it is the purpose of the pride of Dakota logo promotion to identify and promote those products which are created, produced, processed, or manufactured in North Dakota.

History: Effective May 1, 1988.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 4-01-19; S.L. 1985, Ch. 748; S.L. 1985, Ch. 1, Subdiv. 13

7-09-01-02. Definitions.

1. "Business" means any individual, partnership, cooperative association, corporation, business trust, or unincorporated organization or other business with a permanent place of business located completely or in part within the boundaries of North Dakota.
2. "Commissioner" means the commissioner of the North Dakota department of agriculture or his authorized representative or designee.

3. "Commodity council" means any of the agriculture research and promotion councils or commissions created pursuant to the provisions of the North Dakota Century Code, generally in title 4.
4. "Department" means the North Dakota department of agriculture.
5. "Educational institutions" means any North Dakota schools, colleges, universities, or other North Dakota educational institutions.
6. "Improper use" means any use of the logo not authorized by the department or the marketing division or a use of the logo inconsistent with the rules stated in this chapter.
7. "Manufacturer" or "processor" means an individual, partnership, cooperative association, or corporation which processes or manufactures raw materials, agriculture products, or ingredients into food or nonfood products.
8. "Marketing division" means the state marketing bureau within the department of agriculture designated by North Dakota Century Code section 4-01-19.
9. "Nonprofit organization" means any established nonprofit organization in North Dakota.
10. "Pride of Dakota logo", or "logo" means the logo developed for the North Dakota department of agriculture to identify a product which is created, produced, processed, or manufactured in North Dakota.
11. "Producer" means any individual, partnership, family farm, family farm corporation, or cooperative association actually engaged in the production for sale of agriculture products.
12. "Product" means any product that is created, produced, processed, or manufactured within the state of North Dakota for sale or distribution in its final form.
13. "Trade association" means a North Dakota-based organization of producers, processors, manufacturers, retailers, or wholesalers of products.

History: Effective May 1, 1988.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 4-01-19; S.L. 1985, Ch. 748; S.L. 1985, Ch. 1, Subdiv. 13

7-09-01-03. Eligibility for use of logo.

1. **Producers.** Any North Dakota producer may apply to use the logo on any agriculture product to be used in its original form or on any agriculture product intended to be processed or manufactured, if the agriculture product is produced on a farm or other production unit located completely, or in part, within the boundaries of North Dakota, and if the processed or manufactured agriculture product meets all applicable minimum requirements for the product in North Dakota.
2. **Processors and manufacturers.** Any processor or manufacturer may apply to use the logo on any product, if the product was processed or manufactured in a factory or plant located completely, or in part, within the boundaries of North Dakota, and if the product meets all the applicable minimum requirements of law for processing or manufacturing the product in North Dakota.
3. **Others.** Any business, trade association, educational institution, or commodity council may apply to use the logo on products created, produced, processed, or manufactured by them.

History: Effective May 1, 1988.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 4-01-19; S.L. 1985, Ch. 748; S.L. 1985, Ch. 1, Subdiv. 13

7-09-01-04. Application.

1. Any eligible producer, processor, manufacturer, business, trade association, commodity council, education institutional, or nonprofit organization located completely or in part within North Dakota may apply to use the logo.
2. Application must be made on forms provided by the department and must contain all of the following:
 - a. The name and address of the applicant.
 - b. The location of the producer, processing or manufacturing facility or plant, business, trade association, commodity council, educational institution, or nonprofit organization providing products on which the logo is intended to be used.
 - c. A list of all products on which the logo may be used.

- d. A market or promotion plan for use of the logo.

History: Effective May 1, 1988.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 4-01-19; S.L. 1985, Ch. 748; S.L. 1985, Ch. 1, Subdiv. 13

7-09-01-05. Fees.

1. An eligible producer, processor, manufacturer, or business will pay an annual fee for the use of the logo at a rate to be determined by the department based on the size and number of employees of the operation of the producer, processor, manufacturer, or business. This fee will be no less than fifty dollars and no greater than one thousand dollars.
2. An eligible trade association, commodity council, or educational institution will pay an annual fee for the use of the logo as determined by the department. The minimum annual fee for these organizations will be two hundred fifty dollars.
3. An established North Dakota nonprofit organization will pay an annual fee for the use of the logo as determined by the department. This annual fee will be no less than fifty dollars and no more greater than two hundred fifty dollars.
4. The income from the fees collected by the department will be used by the marketing division of the department in the development of programs to promote recognition and awareness of the logo among the consuming public.
5. Application to use the logo with any product not originally listed with the department may be made at any time.
6. A voluntary advisory council of seven members will be appointed by the commissioner from trade associations, commodity councils, educational institutions, producers, processors, manufacturers, and businesses to advise the department on the use of logo fees and the development of promotional programs.

History: Effective May 1, 1988.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 4-01-19; S.L. 1985, Ch. 748; S.L. 1985, Ch. 1, Subdiv. 13

7-09-01-06. Authorization.

1. Authorization from the department to use the logo depends upon approval of an application by the commissioner and extends for one year from the authorization date.
2. Use of the logo on approved products remains discretionary with the authorized user during the one-year authorization period.
3. Authorized users will receive a certificate of authorization to use the logo, including a registration number, which they may display in their place of business. Reproduction proofs of the logo will be furnished to authorized users.
4. The marketing division of the department will advise and assist any authorized user of the logo with respect to the size of the logo, its color, its placement on packages, or similar matters, as requested. There may be no alteration in design, color, or makeup of the logo without prior written approval of the commissioner.

History: Effective May 1, 1988.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 4-01-19; S.L. 1985, Ch. 748; S.L. 1985, Ch. 1, Subdiv. 13

7-09-01-07. Renewal of authorization.

1. The department shall notify authorized users of the logo of their scheduled renewal date sixty days prior to the expiration of their authorization to use the logo.
2. Authorization to use the logo may be renewed if reapplication, including any changes in information provided with the previous application, is made on forms provided by the department and approval is granted by the commissioner.
3. Renewal of authorization may be denied if the commissioner determines that there has been improper use of the logo or if the user fails to reapply for authorization to use the logo within thirty days after the scheduled renewal date.

History: Effective May 1, 1988.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 4-01-19; S.L. 1985, Ch. 748; S.L. 1985, Ch. 1, Subdiv. 13

7-09-01-08. Promotional use of the logo. The logo may be used for promotional purposes by an authorized producer, processor, or manufacturer on any materials used in a direct national or international marketing effort, by an authorized business, commodity council, trade association, educational institution, or nonprofit organization in any promotion of North Dakota products, or by the

department on any stationery, business cards, or other items determined by the commissioner to promote North Dakota products.

History: Effective May 1, 1988.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 4-01-19; S.L. 1985, Ch. 748; S.L. 1985, Ch. 1, Subdiv. 13

7-09-01-09. Improper use. Improper use includes use on products not created, produced, processed, or manufactured in whole or in part within the boundaries of North Dakota; allowing use of the logo by another person who is not an authorized user; using the logo without prior approval of the commissioner of agriculture; and any use which the commissioner determines may be detrimental to the promotion of North Dakota products.

History: Effective May 1, 1988.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 4-01-19; S.L. 1985, Ch. 748; S.L. 1985, Ch. 1, Subdiv. 13

7-09-01-10. Enforcement.

1. **Investigation and revocation.** If the commissioner has reason to believe there is improper use of the logo, the commissioner may investigate the use to determine whether improper use has occurred. After investigation, the commissioner may revoke authorization or refuse to grant or renew authorization to use the logo if the commissioner determines that improper use has occurred.
2. **Civil action.** When an investigation by the commissioner reveals improper use of the logo is occurring or has occurred, the commissioner may seek injunctive relief or seek to apply other appropriate legal remedies in a court of competent jurisdiction.

History: Effective May 1, 1988.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 4-01-19; S.L. 1985, Ch. 748; S.L. 1985, Ch. 1, Subdiv. 13

7-09-01-11. No warranty of quality. Use of the logo does not represent a warranty by the department of any kind, expressed or implied, about the quality of the product on which the logo appears. Authorized use of the logo means only that the product has been approved to use the logo as a product that was created, produced, processed, or manufactured in whole, or in part, within the boundaries of North Dakota, and that the authorized user, and not the department, represents

that the product meets all applicable minimum legal requirements for creating, producing, processing, or manufacturing the product in North Dakota.

History: Effective May 1, 1988.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 4-01-19; S.L. 1985, Ch. 748; S.L. 1985, Ch. 1, Subdiv. 13

7-09-01-12. Compliance with other law. Compliance with the rules of this chapter does not exempt any business producer, processor, or manufacturer from complying with other applicable statutes and rules relating to any product, including the labeling requirements of any product.

History: Effective May 1, 1988.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 4-01-19; S.L. 1985, Ch. 748; S.L. 1985, Ch. 1, Subdiv. 13